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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010 - 560

13 **JUANITA JANE WINGO**  
Beige Blue House Rice Lane  
14 P.O. Box 492  
Hoopa, CA 95546-0492

**ACCUSATION**

15 Registered Nurse License No. 558595

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 11, 1999, the Board of Registered Nursing issued Registered  
24 Nurse License Number 558595 to Juanita Jane Wingo (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought here and will  
26 expire on October 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY/REGULATORY PROVISIONS

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. California Code of Regulations, title 16, section 1444 states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
2 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

3 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
4 subdivision (d) of Penal Code Section 11160.

5 "(b) Failure to comply with any mandatory reporting requirements.

6 "(c) Theft, dishonesty, fraud, or deceit.

7 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
8 Penal Code."

#### 9 COST RECOVERY

10 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
11 the administrative law judge to direct a licensee found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

#### 14 FIRST CAUSE FOR DISCIPLINARY ACTION

15 (Unprofessional Conduct)  
16 (Bus. & Prof. Code §2761(a))

17 10. Respondent has subjected her Registered Nurse License to disciplinary action for  
18 unprofessional conduct under Code section 2761(a). The circumstances are as follows:

19 a. On or about March 11, 2009, in Hoopa, California, Deputies from the Humboldt  
20 County Sheriff's Office (HCSO), along with officers from the Hoopa Valley Tribal Police  
21 Department (HVTPD), executed a search warrant for any firearms and/or ammunition on  
22 Respondent's residence (Wingo residence). The Wingo residence was supposedly occupied by  
23 Respondent's husband, A. W.,<sup>1</sup> who was wanted by the HVTPD for a March 7, 2009 incident, in  
24 which A. W., a convicted felon, allegedly went to a Hoopa, California residence and threatened  
25 two people with a pistol grip pump action shotgun. Due to the high level of risk and a firearm  
26 being associated with the incident, the HCSO's Multi-Agency SWAT team was tasked with

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28 <sup>1</sup> The name of Respondent's husband will be referred to by initials only.

1 serving the search warrant. The Wingo residence was fortified with a metal security screen door  
2 and had surveillance cameras. After the SWAT Team secured the Wingo Residence, the HCSO  
3 and the HTPD took over the incident and conducted the search of the residence and its property  
4 grounds. Respondent, six adults and two children were present when the search warrant was  
5 executed. (A. W. was not present.) In a search of the property grounds, a HTPD officer found  
6 seven green pills in the passenger side panel of a black 1995 Dodge Truck, registered to  
7 Respondent. The pills were later discovered to be "Vicodin," a Schedule IV controlled  
8 prescription drug. Respondent did not have a valid prescription for Vicodin.

9       b.     A HCSO's deputy and a HTPD officer searched Respondent's and her husband's  
10 bedroom and found, among other things, the following items: Two hypodermic syringes in the  
11 dresser; a large plastic bag of marijuana (shake) on top of the gun safe; several hundreds of  
12 rounds of various ammunition inside the gun safe; one hypodermic syringe inside the gun safe,  
13 along with a glass tube with residue inside it believed to be methamphetamine; a working digital  
14 scale with white residue on it also believed to be methamphetamine; and three handguns and  
15 seven rifles inside the gun safe. The New England pump action 12 gauge shotgun had been  
16 modified by cutting down the barrel (16-1/2 inches) and according to the HCSO's deputy, it was a  
17 "dangerous weapon" or sawed off shotgun, in violation Penal Code section 12020(a)(1). That  
18 shotgun had been reported as stolen on November 25, 2008. Additionally, the Winchester .22  
19 WMRF pump action rifle was reported as stolen on November 23, 2008. The CN Romarm PAR-  
20 1 rifle, which Respondent claimed to own, had been modified. The stock of that weapon had  
21 been changed, and the fixed magazine had been removed and replaced with a 30-round magazine,  
22 converting it into an "assault weapon." Other items were seized from the Wingo residence in  
23 rooms occupied by other adults

24       c.     The District Attorney's Office charged Respondent was charged with violating  
25 Penal Code section 12020(a) (possess/manufacture/sell dangerous weapons, etc. of a short-  
26 barreled rifle or short-barreled shotgun), a felony, Health and Safety Code section 11366  
27 (maintaining a place for selling or using a controlled substance, methamphetamine), a felony, and  
28 Business and Professions Code section 4020 (possession of a controlled substance without a

1 prescription, vicodin), a misdemeanor. Respondent was later convicted of violating Penal Code  
2 section 12020(a), possess/manufacture/sell dangerous weapons, etc. of a short-barreled rifle or  
3 short-barreled shotgun (see below).

4 **SECOND CAUSE FOR DISCIPLINARY ACTION**

(Conviction)  
(Bus. & Prof. Code §2761(f))

7 11. Complainant realleges the allegations contained in paragraph 10 above, and  
8 incorporates them herein by reference as if fully set forth.

9 12. Respondent has subjected her Registered Nurse License to disciplinary action  
10 under Code sections 490 and 2761(a) and California Code of Regulations, title 16, section 1444 in  
11 that she was convicted of a crime substantially related to the qualifications, functions, or duties of  
12 a registered nurse in that on or about August 11, 2009, in the Superior Court of California,  
13 Humboldt County, Eureka Division, Case Number CR091385CS, entitled *People of the State of*  
14 *California vs. Juanita Jane Wingo*, Respondent was convicted by the court on her plea of no  
15 contest of violating Penal Code section 12020(a) (possess/manufacture/sell dangerous weapons,  
16 etc. of a short-barreled rifle or short-barreled shotgun), a felony. On or about August 11, 2009,  
17 under Penal Code section 17, the felony conviction was reduced to a misdemeanor. Besides being  
18 charged with violating Penal Code section 12020(a) in the Information, Respondent was also  
19 charged with violating Health and Safety Code section 11366 (maintaining a place for selling or  
20 using a controlled substance, methamphetamine), a felony, and violating Business and  
21 Professions Code section 4060 (possession of a controlled substance without a prescription), a  
22 misdemeanor.

23 13. On or about September 15, 2009, pursuant to Respondent's August 11, 2009  
24 conviction, the imposition of sentence was suspended and Respondent was placed on Conditional  
25 Revocable Probation for two (2) years on terms and conditions which included, but were not  
26 limited to, the following: obeying all laws; not owning, possessing, having in her vehicle or  
27 residence any firearm, ammunition, that can be used in a firearm or other deadly weapon, whether  
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1 owned by her or not; not owning, possessing, having in her vehicle or residence any instrument or  
2 device which a reasonable person would believe to be capable of being used as a firearm;  
3 submitting her person, real property, place of residence, vehicle and/or any other belongings to  
4 search and seizure at any time of the day or night, with or without a search warrant, by any law  
5 enforcement officer; not using or having possession, custody or control of any non-prescribed  
6 controlled substance; and not trafficking in controlled substances nor associating with any person  
7 using or trafficking in controlled substances.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number RN 558595, issued to  
12 Juanita Jane Wingo;

13 2. Ordering Juanita Jane Wingo to pay the Board of Registered Nursing the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3; and

16 3. Taking such other and further action as deemed necessary and proper.  
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19 DATED: 4/30/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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